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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,850	01/16/2004	Chi Wah Lo	MCHK/152/US	6959

2543 7590 08/11/2005

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EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2645

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,850

Applicant(s)

LO ET AL.

Examiner

Gerald Gauthier

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/14/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on May 14, 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claim(s) 1-3 and 5** are rejected under 35 U.S.C. 102(b) as being anticipated by Blair et al. (US 6,404,857 B1).

Regarding **claim(s) 1**, Blair discloses a recording system for a Private Branch Automatic Exchange (FIG. 1 and column 1, lines 10-13) comprising:

a recording unit (Digital Voice Recorder 18 on FIG. 1) for recording a telephone conversation on a public telephone line side of a Private Branch Automatic Exchange (FIG. 1, column 6, lines 3-16 and column 8, lines 42-47) [The digital voice recorder 18 records a telephone conversation from the trunk side of the PABX 14]; and

a plurality of coding units for connecting to private lines of the Private Branch Automatic Exchange and for identifying to the recording unit the private line in use (FIG. 1 and column 7, lines 51-64) [The digital signal processors control the recording of the monitoring signals and identifies the parties in the conversations by caller id and agent log-on identifiers].

Regarding **claim(s) 2**, Blair discloses a recording system, wherein the recording unit comprises a transformer (20 and 22 on FIG. 1) for detecting a telephone conversation signal on the public telephone line and producing a recording signal, a processor (36 on FIG. 1) for manipulating the recording signal and a storage medium (40 on Fig.1) for the recording (FIG. 1 and column 6, lines 3-16 and 26-32 and 60-67) [The digital voice recorder 18 monitors the two-way conversation by way of high impedance taps 20, 22 which are connected to the telephone lines the digital information describing the original signals is analyzed at station 36 to determine the required set of metrics].

Regarding **claim(s) 3**, Blair discloses a recording system, wherein the processor comprises a Coder/Decoder and a Digital Signal Processor (FIG. 1 and column 6, lines 46-52 and column 7, lines 59-64) [The DSPs control the monitoring, compression or recording of the monitor signals in accord with the digital voice recorder 18 and the replay station 32, thereby a Coder/Decoder and a Digital Signal Processor].

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Regarding **claim(s) 5**, Blair discloses a method of recording a telephone conversation on a Public Branch Automatic Exchange (FIG. 1 and column 1, lines 10-13) comprising:

providing a recording unit for recording a telephone conversation on a public telephone line side of a Private Branch Automatic Exchange (FIG. 1, column 6, lines 3-16 and column 8, lines 42-47) [The digital voice recorder 18 records a telephone conversation from the trunk side of the PABX 14];

providing a coding unit for identifying the private line of the Private Branch Automatic Exchange in use and communicating line in use information to the recording unit (FIG. 1 and column 7, lines 51-64) [The digital signal processors control the recording of the monitoring signals and identifies the parties in the conversations by caller id and agent log-on identifiers], and

recording the line in use information with the telephone conversation (FIG. 2 and column 6, lines 37-47) [The packet header of the data packet 42, includes information about the line being recorded, packet data identification 48, the data format 50, a date and time stamp 52 that was recorded with the speech data of the phone conversation].

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claim(s) 4 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Blair in view of Schwartz et al. (US 6,668,044 B1).

Regarding **claim(s) 4**, Blair discloses a processor for communicating line in use information to the recording unit (36 on FIG. 1 and column 6, lines 60-67) but fails to disclose the coding unit comprises a pick-up detector for determining when a phone line is in use.

However, Schwartz, in the same field of endeavor, teaches a recording system wherein the coding unit comprises a pick-up detector for determining when a phone line is in use (FIG. 5 and column 10, lines 2-12) [The central archiving facility 20 detect the initiation or receipt a telephone call, thereby a pick-up detector for determining when a phone line is in use].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Blair using the central archive facility as taught by Schwartz.

This modification of the invention enables the system to provide the coding unit comprises a pick-up detector for determining when a phone line is in use so that the system would be well adapted to be use with law enforcement agencies (Schwartz: column 10, lines 13-24).

Regarding **claim(s) 6**, Blair as applied to **claim(s) 5** above differs from **claim(s) 6**, in that it fails discloses a Dual Tone Multi Frequency method.

However, Schwartz, in the same field of endeavor, teaches a method, wherein communicating line in use information uses a Dual Tone Multi Frequency method (column 3, line to column 4, line 4).

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Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Blair using the central archive facility as taught by Schwartz.

This modification of the invention enables the system to provide a Dual Tone Multi Frequency method so that the system would use in-band signal to allow caller to send certain command (Schwartz: column 4, lines 1-4).

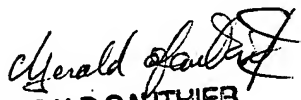
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GERALD GAUTHIER
PATENT EXAMINER

g.g.

August 8, 2005

Gerald Gauthier
Examiner
Art Unit 2645